

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

May 13, 2010

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.:10KD-004

Kauai

Grant of Perpetual Non-Exclusive Easement to Kauai Island Utility Cooperative (KIUC) for Access and Utility Purposes Over Governor's Executive Order No. 97 to the County of Kauai, for Wailua Park Purposes and Authorize the Issuance of a Right-of-Entry for Planning, Construction and Management Purposes, Wailua, Lihue, Kauai, Tax Map Key: (4) 3-9-02: Portion 04

APPLICANT:

Kauai Island Utility Cooperative, a consumer cooperative association formed pursuant to the provisions of Charter 412-C, Hawaii Revised Statutes.

LEGAL REFERENCE:

Section 171-95, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Wailua situated at Wailua, Lihue, Kauai, identified by Tax Map Key: (4) 3-9-02: Portion 04, as shown on the attached map labeled Exhibit A.

AREA:

6,500 Square Feet, more or less.

ZONING:

State Land Use District:	Conservation
County of Kauai CZO:	Open

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CURRENT USE STATUS:

Encumbered by Governor's Executive Order No. 97 to the County of Kauai, for Wailua Park Purposes

CHARACTER OF USE:

Right, privilege and authority to construct, use, maintain and repair a right-of-way over, under and across State-owned land for access and utility purposes.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

One-time payment to be determined by independent or staff appraisal establishing fair market rent, subject to review and approval by the Chairperson.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The Final Environmental Assessment for the subject project was published in the OEQC's Environmental Notice on December 23, 2007 with a finding of no significant impact (FONSI).

DCCA VERIFICATION:

Place of business registration confirmed:	YES
Registered business name confirmed:	YES
Applicant in good standing confirmed:	YES

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Pay for an appraisal to determine one-time payment; and
- 2) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost.

REMARKS:

Governor's Executive Order No. 97 to the County of Kauai was issued on April 30, 1921 for Wailua Park purposes and is now known as Wailua "Lydgate" Park. This is the site of the Wailua Municipal Golf Course. On October 19, 2004 a fire destroyed the golf course

maintenance building. Since the fire incident, the County of Kauai has been operating from a temporary maintenance site. The County of Kauai is presently constructing a new maintenance building, in the same location of the former golf course maintenance building.

The new maintenance building will require electrical power. KIUC is recommending a new, shorter route through the fairway of the 10th hole from their utility pole located along Kuhio Highway. This will be solely for the new golf course maintenance building. This will require KIUC to obtain an access and utility easement over Governor's Executive Order No. 97.

The following agencies were solicited for comments:

State Agencies: DNLR-Historic Preservation, Department of Transportation-HWY and Office of Hawaiian Affairs – No response.

Department of Health – Offered environmental health concerns (see Exhibit B)

County Agencies: Planning Department - No response.

Public Works - We support the proposed request for grant of non-exclusive perpetual easement for access and utility purposes and immediate right-of-entry for planning and construction within Governor's Executive Order No. 97.

The maintenance baseyard is presently being constructed and KIUC along with the County of Kauai is requesting an immediate right-of-entry for the planning, construction and management purposes so the transmission line for the new golf course maintenance building can be completed as soon as possible.

RECOMMENDATION: That the Board:

1. Subject to the Applicant fulfilling all of the Applicant requirements listed above, authorize the issuance of a perpetual non-exclusive easement Kauai Island Utility Cooperative, covering the subject area for access and utility purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current perpetual easement document form, as may be amended from time to time;
 - B. Review and approval by the Department of the Attorney General; and
 - C. Such other terms and conditions as may be prescribed by the Chairperson

to best serve the interests of the State.

2. Authorize the issuance of a right-of-entry permit to Kauai Island Utility Cooperative for planning, construction and management purposes for the subject area under the term and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time; and
 - B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



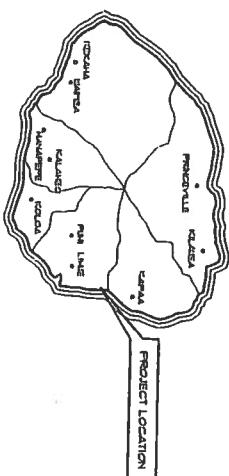
Tommy Oi
District Land Agent

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson





ISLAND OF KAUAI
NOT TO SCALE

PROJECT INFORMATION:

ADDRESS: ROAD 147, WAILUA, KAUAI, HAWAII
 TRK: 3-9-02, 1, 4
 LOT AREA: 10.15 ACRES
 ZONING: PUBLIC FACILITIES
 FLOOR AREA: 5994 SF.
 OCCUPANCY: 5-2
 TYPE OF CONSTRUCTION: TYPE VB
 PERSONS: 163 STD STALLS
 6 ACCESSIBLE STALLS (4 VAN ACCESSIBLE)
 4 STALLS ADDED FOR MAINTENANCE BLDG
 11 TOTAL STALLS

GENERAL NOTES:

1. CONTRACTOR SHALL VERIFY ALL EXIST. CONDITIONS AND DIMENSIONS AND NOTIFY THE ARCHITECT OF ANY DISCREPANCIES PRIOR TO COMMENCING WITH THE WORK.
2. RECONSTRUCTION OF WORK SHALL BE DONE IN ACCORDANCE WITH THE WORK.
3. CONTRACTOR SHALL COORDINATE AND SCHEDULE CONSTRUCTION WORK WITH KAUAI COUNTY DEPT. OF PUBLIC WORKS AND RECREATION DIVISION.
4. CONTRACTOR SHALL COORDINATE AND SCHEDULE CONSTRUCTION WORK WITH KAUAI COUNTY DEPT. OF PUBLIC WORKS AND RECREATION DIVISION.
5. CONTRACTOR SHALL COORDINATE AND SCHEDULE CONSTRUCTION WORK WITH KAUAI COUNTY DEPT. OF PUBLIC WORKS AND RECREATION DIVISION.
6. ALL WORK SHALL BE PER APPLICABLE CODES, TRADE STANDARDS, PER RECOMMENDATIONS AND REQUIREMENTS.
7. ALL NEW WORK WHERE APPLICABLE SHALL BE DESIGNED & CONSTRUCTED TO CONFORM WITH ACCESSIBILITY REQUIREMENTS OF THE AMERICANS WITH DISABILITIES ACT (ADA).

**WAILUA GOLF COURSE
NEW MAINTENANCE BUILDING
WAILUA, KAUAI, HAWAII**
TRK: 3-9-02:004

APPROVED:

BERNARD F. CARVALHO JR. 1/23/09
 MAYOR, COUNTY OF KAUAI

APPROVED:

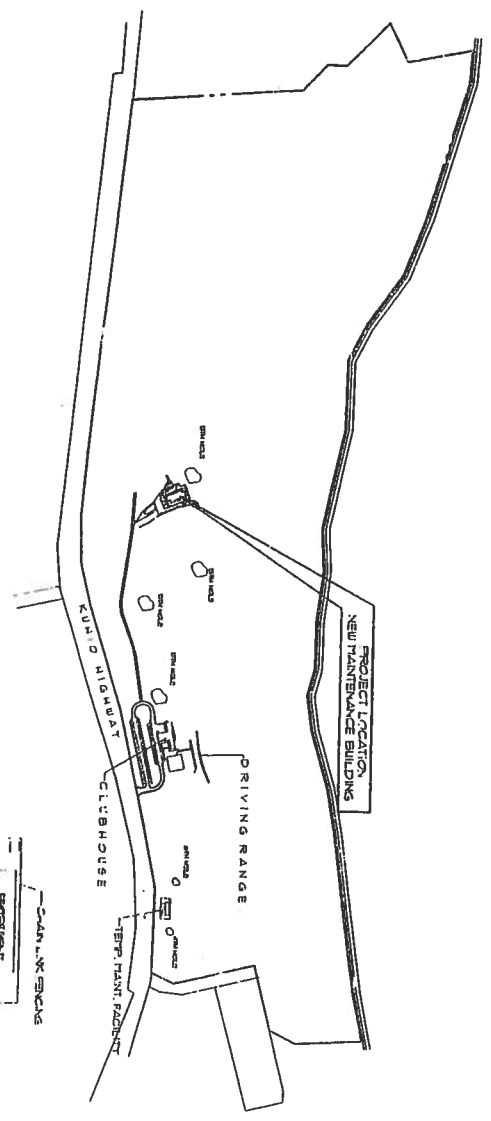
DAVID L. BRIDGES 1/15/09
 COUNTY ENGINEER, COUNTY OF KAUAI

INDEX TO DRAWINGS

NO.	DESCRIPTION
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WAILUA GOLF COURSE PARTIAL SITE PLAN
NOT TO SCALE



FILED: 000

SHEET NUMBER

T-1

OF SHEETS

WAILUA GOLF COURSE

GOLF MAINTENANCE FACILITY

WAILUA, KAUAI, HAWAII

TRK: 3-9-02:004

DATE: 1/15/09

DESIGNED BY: LS

CHECKED BY: LS

SCALE: AS SHOWN

DATE: 1/15/09

PROJECT NO. 004

PROJECT NAME: WAILUA GOLF COURSE MAINTENANCE BUILDING

PROJECT LOCATION: WAILUA, KAUAI, HAWAII

EXHIBIT A



STATE OF HAWAII
DEPARTMENT OF HEALTH
3040 UMI STREET
LIHUE, HAWAII 96766

Dileep G. Bal, M.D., M.S., M.P.H.
DISTRICT HEALTH OFFICER

March 15, 2010

Tommy Oi, District Land Agent - Kauai
State of Hawaii
Department of Land and Natural Resources
Land Division
3060 Eiwa Street, Room 205A
Lihue, Hawaii 96766

Dear Mr. Oi:

SUBJECT: Request for Grant of Non-exclusive Perpetual Easement for Access and Utility Purposes and Immediate Right-of-Entry for Planning and Construction within Governor's Executive Order 97 to the County Of Kauai, Wailua, Lihue, Kauai.

LOCATION: TMK: (4) 3-9-02: 04

APPLICANT: Kauai Island Utility Cooperative

Reference No.: **10KD-004**

We have reviewed the subject proposal submitted and offer the following environmental health concerns for your consideration at this time.

1. Temporary fugitive dust emissions could be emitted when the project site is prepared for construction and when construction activities occur. In accordance with Chapter 11-60.1, entitled "Air Pollution Control", Title 11, Hawaii Administrative Rules, effective air pollution control measures shall be provided to minimize or prevent any fugitive dust emissions caused by the construction work from impacting the surrounding areas. This includes the off-site roadways used to enter/exit the project. The control measures include but are not limited to the use of water wagons, sprinkler systems, dust fences, etc.
2. In accordance with Chapter 11-58.1, entitled "Solid Waste Management Control", Title 11, HAR, the grubbed material and construction waste that will be generated by the project shall be disposed of at a solid waste disposal facility

EXHIBIT "B"

that is in compliance with the State Department of Health. The open burning of any of these wastes on or off site is prohibited.

Should you have any questions, please call me at 241-3323.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gerald N. Takamura".

Gerald N. Takamura, Chief
District Environmental Health Program Kauai